

HOUSE BILL 99

By Winningham

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, is amended by adding the following language as a new chapter:

§ 49-15-101.

(a) The purpose of this chapter is to authorize public postsecondary institutions and LEAs to jointly establish cooperative innovative programs in high schools and public postsecondary institutions, including, but not limited to community colleges, that will expand students' opportunities for educational success through high quality instructional programming. These cooperative innovative high school programs shall target:

(1) High school students who are at risk of dropping out of school before attaining a high school diploma; or

(2) High school students who would benefit from accelerated academic instruction.

(b) All cooperative innovative high school programs established under this chapter shall:

(1) Prepare students adequately for future learning in the workforce or in an institution of higher education;

(2) Expand students' educational opportunities within the public school system;

(3) Be centered on the core academic standards represented by the university preparatory or technical preparatory pathway as defined by the state board of education;

(4) Encourage the cooperative or shared use of resources, personnel, and facilities between public schools and postsecondary institutions;

(5) Integrate and emphasize both academic and technical skills necessary for students to be successful in a more demanding and changing workplace;

(6) Emphasize parental involvement and provide consistent counseling, advising, and parent conferencing so that parents and students can make responsible decisions regarding course taking and can track the students' academic progress and success;

(7) Be held accountable for meeting measurable student achievement results;

(8) Encourage the use of different and innovative teaching methods;

(9) Establish joint institutional responsibility and accountability for support of students and their success;

(10) Effectively utilize existing funding sources for high school, college, university, and vocational programs and actively pursue new funding from other sources;

(11) Develop methods for early identification of potential participating students in the middle grades and through high school; and

(12) Reduce the percentage of students needing remedial courses upon their initial entry from high school into a college or university.

(c) Programs developed under this chapter that target students who are at risk of dropping out of high school before attaining a high school diploma shall:

(1) Provide these students with the opportunity to graduate from high school possessing the core academic skills needed for postsecondary education and high-skilled employment;

(2) Enable students to complete a technical or academic program in a field that is in high demand and has high wages;

(3) Set and achieve goals that significantly reduce dropout rates and raise high school and college retention, certification, and degree completion rates; and

(4) Enable students who complete these programs to pass employer exams, if applicable.

(d) Cooperative innovative high school programs that offer accelerated learning programs shall:

(1) Provide a flexible, customized program of instruction for students who would benefit from accelerated, higher level coursework or early graduation from high school;

(2) Enable students to obtain a high school diploma in less than four (4) years, to begin or complete an associate degree program, to master a certificate or vocational program, or to earn up to two (2) years of college credit; and

(3) Offer a college preparatory academic core and in-depth studies in a career or technical field that will lead to advanced programs or employment opportunities in engineering, health sciences, or teaching.

(e) Cooperative innovative high school programs may include the creation of a school within a school, a technical high school, or a high school or technical center located on the campus of a postsecondary institution.

(f) Students shall be eligible to attend these programs as early as the ninth grade.

§ 49-15-102.

(a) An LEA and a public postsecondary institution shall jointly apply to establish a cooperative innovative high school program under this chapter.

(b) The application shall contain at least the following information:

(1) A description of a program that implements the purposes of § 49-15-101;

(2) A statement of how the program relates to the economic development of the region in which the program is to be located;

(3) The facilities to be used by the program and the manner in which administrative services of the program are to be provided;

(4) A description of student academic and vocational achievement goals and the method of demonstrating that students have attained the skills and knowledge specified for those goals;

(5) A description of how the program will be operated, including budgeting, curriculum, transportation, and operating procedures;

(6) The process to be followed by the program to ensure parental involvement;

(7) The process by which students will be selected for and admitted to the program;

(8) A description of the funds that will be used and a proposed budget for the program;

(9) The qualifications required for individuals employed in the program;

(10) The number of students to be served; and

(11) A description of how the program's effectiveness in meeting the purposes of § 49-15-101 shall be measured.

(c) The application shall be submitted to the state board of education and the governing board of the applicant public postsecondary institution. The state board of education, Tennessee higher education commission, board of trustees of the University of Tennessee system and Tennessee board of regents shall appoint a joint advisory committee to review the applications and to recommend to the state board and the governing board of the applicant public postsecondary institution those programs that meet the requirements of this chapter and that achieve the purposes set out in § 49-15-101.

(d) The state board of education and the governing board of the applicant public postsecondary institution may approve programs recommended by the joint advisory committee or may approve other programs that were not recommended. The boards shall approve or deny all applications by June 30 of each year. No application shall be approved unless the state board of education and the governing board of the applicant public postsecondary institution find that the application meets the requirements set forth in this chapter and that granting the application shall achieve the purposes of § 49-15-101. Priority shall be given to applications that are most likely to further state education policies, to address the economic development needs of the regions in which they are located, and to strengthen the educational programs offered in the LEAs in which they are located.

§ 49-15-103.

(a) Any or all of the following education partners may participate in the development of a cooperative innovative program under this chapter that is targeted to high school students who would benefit from accelerated academic instruction:

(1) A public postsecondary institution other than the applicant public postsecondary institution;

(2) A private college or university located in Tennessee;

(3) A private business or organization; or

(4) The county legislative body in the county in which the program is located.

(b) The education partners listed in subsection (a) that participate shall:

(1) Jointly apply with the LEA and the applicant public postsecondary institution to establish a cooperative innovative program under this chapter;

(2) Be identified in the application; and

(3) Sign the written agreement under § 49-15-104(b).

§ 49-15-104.

(a) A program approved by the state board of education and the governing body of the applicant public postsecondary institution shall be accountable to the LEA.

(b) A program approved under this chapter shall operate under the terms of a written agreement signed by the LEA and the applicant public postsecondary institution, the state board of education and the governing body of the applicant public postsecondary institution. The agreement shall incorporate the information provided in the application, as modified during the approval process, and any terms and conditions imposed on the program by the state board of education and the governing body of the applicant public postsecondary institution. The agreement may be for a term of no longer than five (5) school years.

(c) A program may be operated in a facility owned or leased by the LEA, the applicant public postsecondary institution, or an education partner, if any.

(d) A program approved under this chapter shall comply with laws and policies relating to the education of students with disabilities and shall comply with all statutes regarding student discipline.

(e) A program approved under this chapter may use state, federal, and local funds allocated or appropriated to the LEA and to the applicant public postsecondary institution or its governing body to implement the program. If there is an education partner and if it is a public body, the program may use state, federal, and local funds allocated or appropriated to that body. Use of funds shall be subject to any limitations or restrictions placed on such funds by federal or state law or local ordinance.

(f) Except as provided in this chapter and under the terms of the agreement, a program may apply to the state board of education or the governing body of the applicant public postsecondary institution for a waiver of any law or rule that inhibits or hinders the program's ability to meet its goals. Neither the state board of education nor the governing body of the applicant public postsecondary institution shall waive regulatory or statutory requirements related to:

- (1) Federal and state civil rights;
- (2) Federal, state, and local health and safety;
- (3) Federal and state public records;
- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;
- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability;

(11) Open meetings; and

(12) The length of time of instruction as required for regular public schools.

§ 49-15-105.

(a) The local board of education shall allocate one hundred percent (100%) of state and local education funds to a program approved under this chapter on the per pupil expenditure of the LEA. The per pupil expenditure shall be based on the prior year average daily membership (ADM) of the LEA, unless the LEA receives an increased allocation under § 49-3-351(d), in which case the per pupil expenditure shall take into consideration the increase in the LEA's funding. All funds shall be spent according to the budget submitted in the program agreement, or as otherwise revised by the LEA or applicant public postsecondary institution, subject to the requirements of state and federal law.

(b) The applicant public postsecondary institution and its governing body may allocate state and federal funds for a program that is approved under this chapter.

(c) An education partner under § 49-15-103(a) that is a public body may allocate state, federal, and local funds for a program that is approved under this chapter.

(d) If not an education partner under § 49-15-103(a), the governing body of a county in a county where a program is located may nevertheless appropriate funds to a program approved under this chapter.

(e) The LEA and the sponsoring public postsecondary institution are strongly encouraged to seek funds from sources other than state, federal, and local appropriations.

(f) No fee shall be charged by an LEA to any student participating in such program.

§ 49-15-106.

The state board of education, department of education, Tennessee higher education commission, board of trustees of the University of Tennessee and the board of regents shall evaluate the success of students in programs approved under this chapter. Success shall be measured by high school retention rates, high school completion rates, high school dropout rates, certification and associate degree completion, admission to four-year institutions, postgraduation employment in career or study-related fields, and employer satisfaction of employees who participated in and graduated from the programs. The state board of education, department of education, Tennessee higher education commission, board of trustees of the University of Tennessee and the board of regents shall jointly report to the select oversight committee on education annually by October 15. If, by October 15, 2010, the state board of education, board of trustees of the University of Tennessee and the board of regents determine any or all of these programs have been successful, they shall jointly develop a prototype plan for similar programs that could be expanded across the state. This plan shall be included in the report to the select oversight committee on education that is due by October 15, 2011.

§ 49-15-107.

(a) (i) To facilitate the creation of cooperative innovative high school programs and to provide a seamless transition process from secondary to postsecondary education, the state board of education, the department of education, the Tennessee higher education commission, the University of Tennessee system and the board of regents shall form a curriculum alignment committee. The committee shall be composed of:

(A) Six (6) experienced high school teachers, three (3) of whom shall be appointed by the commissioner of education and three (3) of whom shall be appointed by the executive director of the state board of education;

(B) Two (2) experienced community college teachers appointed by the chancellor of the board of regents;

(C) Two (2) experienced technology center teachers appointed by the chancellor of the board of regents;

(D) Two (2) college educators appointed by the president of the University of Tennessee system;

(E) One (1) public school curriculum specialist appointed by the commissioner of education;

(F) One (1) community college curriculum specialist appointed by the executive director of the Tennessee higher education commission; and

(G) One (1) technology center curriculum specialist appointed by the executive director of the Tennessee higher education commission.

(2) The executive directors of the state board of education and the Tennessee higher education commission shall convene the first meeting of the committee at which time the members of the committee shall elect the committee officers. Members of the curriculum alignment committee shall not receive compensation for serving on the committee, but shall be reimbursed for attendance at meetings in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter. All appropriate state agencies and the Tennessee board of regents and the University of Tennessee system shall provide assistance to the committee.

(b) The curriculum alignment committee shall oversee the development of a high school to community college and technology center articulation agreement that will build on the existing technical preparation pathway and that will govern the articulation of courses between the public high schools of this state and the community colleges and technology centers of the Tennessee board of regents system. The committee may review or may appoint teams of high school and college educators to review course descriptions and contents in order to determine if the requirements of a high school course or courses significantly match the requirements of a postsecondary course or courses including any applicable industry regulations and licensing requirements.

(c) The high school to community college and technology center articulation agreement shall be completed by June 30, 2008. The curriculum alignment committee annually shall evaluate the articulation agreement and report as to the state of its development or subsequent revisions to the articulation agreement to the select oversight committee on education by October 15.

(d) The department of education and the Tennessee board of regents shall monitor the number of articulated students, their progression rate in courses included in the agreement, and their progress toward graduation, employment or transfer to postsecondary institutions and report such data for the preceding school year to the select oversight committee on education by October 15.

(e) The department of education and the Tennessee higher education commission shall determine the criteria for the award of college credit for high school courses identified for articulation and the process by which credit shall be documented and awarded. The department of education and the Tennessee higher education commission shall annually evaluate such criteria and the process for documentation and award of credit, determine if any revisions are necessary and report to the select

oversight committee on education by October 15 as to the requirements for the award of college credit for high school courses and any revisions thereto.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.